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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,241	03/16/2001	Naokatsu Ohkawa	FUJA 18.481	8369

26304 7590 08/10/2005

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EXAMINER

LE, HIEU C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,241

Applicant(s)

OHKAWA ET AL.

Examiner

Hieu c. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,5-8,11-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. The amendment filed 6/08/05 have been entered and made of record.
2. The Applicant 's argument filed 6/08/05 have been fully considered they are not persuasive with regard to claims 1 & 5-8,11-12 for following reasons:

As to claim 1, Applicant alleges that " However in sharp contrast to Applicant's claimed invention, Takatori fails [,]", (p. 4, lines 11-23). The Examiner disagrees. Firstly, the rejected claims use the transitional phase "comprising" which does not preclude the reference from reciting additional features (i.e. the claims do not preclude the use of short path and long path identifiers in combination with direction of reception of a message to indicate whether to associated message is a request message or a status message). Secondly, the Examiner can not find anywhere in the claim language "sending source and destination information independently via short path and long path messages. Third, Takatori indeed send source and destination information independently via short path and long path messages because as shown in fig. 8, bit 5-8 of M1 is a destination node identification, bit 1-4 of M2 is a source node identification and bit 5 of M2 indicates whether the message is long path message (bit 5=1) or the message is short path message (bit 5=0), which reads on the claim as broadly claimed.

Applicant alleges " Applicant's respectfully disagree, Takatori fails [,]", (p. 5, lines 16-23). The Examiner disagrees. Bits 1-4 of M2 as clearly shown in Fig. 8, table 1 and col. 5, lines 26-28 represent the source code identification

(the node number which issued the message, i.e. source node) and as shown in table1 bits 1-4 are arranged from 0000 (node #0) to 1111(node #15) which are node numbers of the source nodes which reads on the claim as broadly claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2,5-8,11-12 are rejected under 35 U.S.C. 102(b) as anticipated by Takatori et al (US Patent 5,550, 805).

As to claim 1, Takatori discloses a method of transferring a message between a plurality of nodes forming a ring (Fig. 1), comprising the steps of:

generating a message containing a value specifying a short path and an identifier identifying a source node of the message when the path for the message is a short path [when node E detects a failure it sends out a message containing M2 along the short path (col. 6, lines 20-22). The bits 1-4 of M2 represents the node number which issued the message (identifier identifying a source node); the bits of M2 indicates whether the message is output to a short part or a long path, M2 is 0 indicates the message has been output to a short path (col. 5, lines 27-38 & col. 6, line)];

generating a message containing a value specifying a long path and an identifier identifying a destination node of the message when the path for the message is a long path [the E node sends out a message which contains M1 &M2 along the long path (col. 6, lines 22-23);

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the bits of M2 indicates whether the message is output to a short path or long path, M2 is 1 indicates the message has been output to a long path. The bits 5-8 of M1 represents the destination node number (identifier identifying a destination node) (col. 5, lines 26-38) & col. 6, line 18)]; and

transmitting said generated message [the node send the message (col. 6, lines 30-31).i.e, the message is transmitted].

As to claim 2, Takatori further discloses wherein the message consists of K1/K2 bytes [message is M1/M2 binary number bit (K1/K2 bytes) (col. 6, lines 14-17)], and said source node identifier and said destination node identifier are both 8 bits long [bits 5-8 of M1 represents destination (4 bits), bits 1-4 of M2 represent the node number which issued the message (4bits) i.e. both 8 bits].

As to claim 5, refer to claim 1 rejection. Takatori further discloses wherein a first node identifier and a second node identifier are assigned to each node, and each node is uniquely identified by a combination of the first node identifier assigned to the node and two second node identifiers respectively assigned to two nodes adjacent on both sides thereof [As show in fig. 1, the nodes are arranged in order A,B,C,D as shown in Table 1, the M1 destination number is a four bit number starts from 0000 (node #0) to 1111 node # 15 each node has two adjacent nodes, each of the adjacent nodes has destination number one before its number and another after its number, for example node # 13 has a destination number 13 and the adjacent nodes to it has the destination number 12 and 14 (two second node identifier respectively). Each node has one source node, (first node identifier) donated by bits 1-4 of M2].

As to claim 6, refer to claim 2 rejection.

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Claim 7 is an apparatus analogous to the method of claim 1, arguments analogous to those applied to claim 1 are applied to claim 7.

As to claim 8, refer to claim 2 rejection.

Claim 11 is a system analogous to the method of claim 5, arguments analogous to those applied to claim 5 are applied to claim 11.

As to claim 12, refer to claim 2 rejection.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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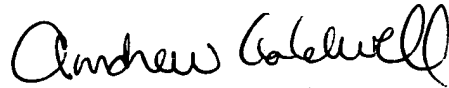
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897.

The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number for this Group is (571)-273-3897.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" written in a larger, more prominent script than the last name "Caldwell".

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER